

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,

Plaintiff,

v.

\$35,321.00 U.S. CURRENCY,

Defendant.

NO: 13-CV-0378-TOR

FINAL ORDER OF FORFEITURE

Plaintiff, United States of America, alleged in a Verified Complaint for Forfeiture *In Rem* that the Defendant currency is subject to forfeiture to the United States pursuant to 21 U.S.C. § 881. ECF No. 1.

The Court has jurisdiction over this matter by virtue of 28 U.S.C. §§ 1345 and 1355. Venue is proper pursuant to 28 U.S.C. § 1395.

The defendant property being forfeited is described as follows:

\$35,321.00 U.S. Currency, seized by DEA from James W. Cook, Brian S. Felton, and Dale Walter Johnson, on or about June 25, 2013, at Milepost 270 on Interstate 90, at or near Spokane, Washington.

1           1.       On or about November 12, 2013, the United States Marshals Service  
2       executed the Warrant of Arrest *In Rem*. The returned warrant was filed with the  
3       Court under the above cause number on November 13, 2013. ECF No. 5.

4           2.       Notice of Civil Forfeiture Action was posted on the official  
5       government website beginning November 2, through December 1, 2013, as  
6       required by Rule G(4)(a)(iv)(C) of the Supplemental Rules for Admiralty or  
7       Maritime Claims and Asset Forfeiture Actions, as evidenced by the Notice of  
8       Publication filed herein on January 23, 2014. ECF Nos. 20, 20-1 and 20-2. At the  
9       latest, the claim period expired on January 1, 2014.

10          3.       On or about November 15, 2013, James W. Cook was served at his  
11       last known address, via certified mail, return receipt requested, with a copy of the  
12       Verified Complaint for Forfeiture *In Rem*, the Warrant of Arrest *In Rem*, and the  
13       Notice of Complaint for Forfeiture. ECF Nos. 7 and 7-1; 10 and 10-1. Based upon  
14       the direct notice service date, James W. Cook's deadline to file a timely claim was  
15       December 20, 2013. To date, no claim of interest has been received or filed with  
16       the Court from James W. Cook. On or about January 9, 2014, the United States  
17       served and filed its Notice of Motion for Default. ECF No. 16. On or about  
18       January 28, 2014, the United States filed its Motion for Default. ECF Nos. 21, 21-  
19       1, and 21-2; and 25. On January 29, 2014, the Clerk entered a default order as to  
20       James W. Cook. ECF No. 29.

1           4.     On or about November 15, 2013, Darren D. Dunk was served at his  
2 last known address, via certified mail, return receipt requested, with a copy of the  
3 Verified Complaint for Forfeiture *In Rem*, the Warrant of Arrest *In Rem*, and the  
4 Notice of Complaint for Forfeiture. ECF Nos. 6 and 6-1; and 11 and 11-1. Based  
5 upon the direct notice service date, Darren D. Dunk's deadline to file a timely  
6 claim was December 20, 2013. To date, no claim of interest has been received or  
7 filed with the Court from Darren D. Dunk. On or about January 9, 2014, the United  
8 States served and filed its Notice of Motion for Default. ECF No. 14. On or about  
9 January 28, 2014, the United States filed its Motion for Default. ECF Nos. 22, 22-  
10 1, and 22-2; and 28. On January 29, 2014, the Clerk entered a default order as to  
11 Darren D. Dunk. ECF No. 30.

12           5.     On or about November 15, 2013, Brian S. Felton was served at his last  
13 known address, via certified mail, return receipt requested, with a copy of the  
14 Verified Complaint for Forfeiture *In Rem*, the Warrant of Arrest *In Rem*, and the  
15 Notice of Complaint for Forfeiture. ECF Nos. 9 and 9-1; and 12 and 12-1. Based  
16 upon the direct notice service date, Brian S. Felton's deadline to file a timely claim  
17 was December 20, 2013. To date, no claim of interest has been received or filed  
18 with the Court from Brian S. Felton. On or about January 9, 2014, the United  
19 States served and filed its Notice of Motion for Default. ECF No. 15. On or about  
20 January 28, 2014, the United States filed its Motion for Default. ECF Nos. 23, 23-

1 1, and 23-2; and 26. On January 29, 2014, the Clerk entered a default order as to  
2 Brian S. Felton. ECF No. 32.

3 6. On or about November 15, 2013, Dale Walter Johnson was served at  
4 his last known address, and in care of Attorney Christian Phelps, via certified mail,  
5 return receipt requested, with a copy of the Verified Complaint for Forfeiture *In*  
6 *Rem*, the Warrant of Arrest *In Rem*, and the Notice of Complaint for Forfeiture.  
7 ECF Nos. 8 and 8-1; 13 and 13-1; and 19. Based upon the direct notice service  
8 date, Dale Walter Johnson's deadline to file a timely claim was December 20,  
9 2013. To date, no claim of interest has been received or filed with the Court from  
10 Dale Walter Johnson. On or about January 9, 2014, the United States served and  
11 filed its Notice of Motion for Default. ECF Nos. 17 and 18. On or about January  
12 28, 2014, the United States filed its Motion for Default. ECF Nos. 24, 24-1, and  
13 24-2; and 27. On January 29, 2014, the Clerk entered a default order as to Dale  
14 Walter Johnson. ECF No. 31.

15 It appearing to the Court that any and all potential claimant's interest in the  
16 defendant property has been resolved through the entry of the Clerk's Orders of  
17 Default as to James W. Cook, Darren D. Dunk, Brian S. Felton, and Dale Walter  
18 Johnson;

19 It also appearing to the Court that no other timely claims have been made to  
20 the defendant property;


1       **IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED** that  
2 the defendant property is hereby forfeited to the United States of America, and no  
3 right, title, or interest shall exist in any other person.

4       **IT IS FURTHER ORDERED** that the United States shall dispose of the  
5 forfeited defendant property in accordance with law.

6       The District Court Executive is hereby directed to enter this Order, enter  
7 Judgment accordingly, provide copies to counsel, and CLOSE the file.

8       **DATED** March 10, 2014.



  
THOMAS O. RICE  
United States District Judge